

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SOUTHREST, INC., a Washington corporation,
dba The Woodmark; CARILLON
PROPERTIES, a Washington general
partnership,

Plaintiffs,

v.

HYATT HOTELS CORPORATION, a
Delaware corporation; DH KIRKLAND
MANAGEMENT LLC, a Washington limited
liability company; CORALTREE
HOSPITALITY GROUP LLC, a California
limited liability company,

Defendants.

CASE NO. 2:19-cv-00486-JLR

STIPULATED MOTION AND
~~PROPOSED~~ ORDER FOR LEAVE TO
FILE DOCUMENT UNDER SEAL

NOTE ON MOTION CALENDAR:
WEDNESDAY, JULY 3, 2019

DH KIRKLAND MANAGEMENT LLC,

Counterclaim Plaintiff,

v.

CARILLON PROPERTIES,

Counterclaim Defendant.

STIPULATED MOTION AND [PROPOSED] ORDER FOR
LEAVE TO FILE DOCUMENT UNDER SEAL
CASE NO. 2:19-cv-00486-JLR

SUMMIT LAW GROUP, PLLC
315 FIFTH AVENUE SOUTH, SUITE 1000
SEATTLE, WASHINGTON 98104-2682
Telephone: (206) 676-7000
Fax: (206) 676-7001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

I. INTRODUCTION

Pursuant to Western District of Washington Civil Local Rule CR 5(g)(2), the parties respectfully move this Court for leave to file under seal an unredacted copy of the Hotel Management Agreement between Carillon Properties and Destination Kirkland Management, Inc., dated May 27, 2011 ("HMA").

II. CERTIFICATION

In accordance with Local Civil Rule 5(g)(3)(A), the undersigned counsel certifies that on July 3, 2019, Philip McCune (on behalf of Hyatt Hotels Corporation and DH Kirkland Management LLC), Jon Stride (on behalf of Plaintiffs) and Shane Cramer (on behalf of CoralTree Hospitality Group LLC) met and conferred, both telephonically and via email, and reached agreement regarding the need and extent to file under seal an unredacted copy of the HMA.

III. BACKGROUND

The parties referenced the HMA in their briefs. Defendants Hyatt Hotels Corporation ("Hyatt"), DH Kirkland Management LLC ("DKM") and CoralTree Hospitality Group LLC ("CoralTree") anticipated in their briefing that they would file the entire HMA document under seal after entry of the Protective Order.

The Court entered the parties' Stipulated Protective Order on July 1, 2019 (Dkt. No. 74) and the parties hereby stipulate to filing the redacted version of the HMA in the public record and filing the full unredacted HMA under seal. Declaration of Matthew W. Walch in Support of Stipulated Motion for Leave to File Under Seal ("Walch Decl."), ¶ 2 and Ex. 1.

The Protective Order (Dkt. No. 74) outlines categories of documents the parties agree are in whole or in part confidential, *id.* at 2 (Section II), and procedures for sealing confidential material when included in documents filed with the Court. *Id.* at 4 (Section IV, ¶ 4.3). In the Protective Order, Section II, the parties stipulated that the HMA is a Confidential document. Sealing is necessary because portions of the HMA contain confidential business terms that, if published, would prejudice Hyatt and DKM in other contract negotiations. Walch Decl., ¶ 4.

Accordingly, the parties agree that the redacted portions of the HMA are appropriately disclosed only as contemplated by the Protective Order, Section IV, ¶ 4.2.

IV. THE PROTECTIVE ORDER BOTH PERMITS AND REQUIRES THE PARTIES TO FILE THIS MOTION FOR LEAVE TO SEAL

In accordance with the Stipulated Protective Order, the Parties, via this Stipulated Motion, move to file under seal an unredacted copy of the Hotel Management Agreement between Carillon Properties and Destination Kirkland Management, Inc., dated May 27, 2011 ("HMA").

V. CONCLUSION

For the foregoing reasons, the Parties respectfully request that this Court order that the following document be filed under seal:

An unredacted copy of the Hotel Management Agreement between Carillon Properties and Destination Kirkland Management, Inc., dated May 27, 2011.

DATED this 3rd day of July, 2019.

SUMMIT LAW GROUP, PLLC

TONKON TORP LLP

By s/ Philip S. McCune

By s/ Jon P. Stride

Philip S. McCune, WSBA #21081
Alexander A. Baehr, WSBA #25320
philm@summitlaw.com
alexb@summitlaw.com

Steven D. Olson, WSBA #39086
Paul Conable, WSBA #43587
Jon P. Stride, WSBA #34686
steven.olson@tonkon.com
paul.conable@tonkon.com
jon.stride@tonkon.com

315 Fifth Avenue S., Suite 100
Seattle, WA 98104-2682
(206) 676-7000

1600 Pioneer Tower
888 SW Fifth Avenue, Suite 1600
Portland, OR 97024
(503) 221-1440

And

Matthew W. Walch (*pro hac vice*)
matthew.walch@lw.com
LATHAM & WATKINS LLP
330 N. Wabash Avenue, Suite 2800
Chicago, IL 60611
(312) 876-7603

Attorneys for Plaintiff

HARRIGAN LEYH FARMER & THOMSEN
LLP

**Attorneys for Defendant Hyatt Hotels
Corporation**

By s/ Shane P. Cramer

Tyler L. Farmer, WSBA #39912
Shane P. Cramer, WSBA #35099
tylerf@harriganleyh.com
shanec@harriganleyh.com

999 Third Avenue, Suite 4400
Seattle, WA 98104
(206) 623-1700

STIPULATED MOTION AND [PROPOSED] ORDER FOR
LEAVE TO FILE DOCUMENT UNDER SEAL - 2
CASE NO. 2:19-cv-00486-JLR

SUMMIT LAW GROUP, PLLC
315 FIFTH AVENUE SOUTH, SUITE 1000
SEATTLE, WASHINGTON 98104-2682
Telephone: (206) 676-7000
Fax: (206) 676-7001

And

Callie A. Bjurstrom (pro hac vice)
callie.bjurstrom@pillsburylaw.com
PILLSBURY WINTHROP SHAW
PITTMAN LLP
501 West Broadway, Suite 1100
San Diego, CA 92101
(619) 544-3107

Jeffrey D. Wexler (pro hac vice)
jeffrey.wexler@pillsburylaw.com
PILLSBURY WINTHROP SHAW
PITTMAN LLP
725 S. Figueroa Street, 28th Floor
Los Angeles, CA 90017
(213) 488-7129

*Attorneys for Defendant CoralTree Hospitality
Group LLC*

ORDER

Based upon the foregoing Stipulation, the Court hereby:

ORDERS, ADJUDGES AND DECREES that the unredacted copy of the Hotel
Management Agreement between Carillon Properties and Destination Kirkland Management, Inc.,
dated May 27, 2011 may be filed under seal.

IT IS SO ORDERED.

DATED this 8th day of July, 2019.



THE HONORABLE JAMES L. ROBERT
UNITED STATES DISTRICT COURT

Presented by:

SUMMIT LAW GROUP, PLLC

TONKON TORP LLP

By s/ Philip S. McCune

Philip S. McCune, WSBA #21081
Alexander A. Baehr, WSBA #25320
philm@summitlaw.com
alexb@summitlaw.com

By s/ Jon P. Stride

Steven D. Olson, WSBA #39086
Paul Conable, WSBA #43587
Jon P. Stride, WSBA #34686
steven.olson@tonkon.com
paul.conable@tonkon.com
jon.stride@tonkon.com

315 Fifth Avenue S., Suite 100
Seattle, WA 98104-2682
(206) 676-7000

1600 Pioneer Tower
888 SW Fifth Avenue, Suite 1600
Portland, OR 97024
(503) 221-1440

And

Matthew W. Walch (*pro hac vice*)
matthew.walch@lw.com
LATHAM & WATKINS LLP
330 N. Wabash Avenue, Suite 2800
Chicago, IL 60611
(312) 876-7603

Attorneys for Plaintiff

HARRIGAN LEYH FARMER & THOMSEN
LLP

**Attorneys for Defendant Hyatt Hotels
Corporation**

By s/ Shane P. Cramer

Tyler L. Farmer, WSBA #39912
Shane P. Cramer, WSBA #35099
tylerf@harriganleyh.com
shanec@harriganleyh.com

999 Third Avenue, Suite 4400
Seattle, WA 98104
(206) 623-1700

And

Callie A. Bjurstrom (*pro hac vice*)
callie.bjurstrom@pillsburylaw.com
PILLSBURY WINTHROP SHAW
PITTMAN LLP
501 West Broadway, Suite 1100
San Diego, CA 92101
(619) 544-3107

Jeffrey D. Wexler (*pro hac vice*)
jeffrey.wexler@pillsburylaw.com
PILLSBURY WINTHROP SHAW
PITTMAN LLP
725 S. Figueroa Street, 28th Floor
Los Angeles, CA 90017
(213) 488-7129

**Attorneys for Defendant CoralTree
Hospitality Group LLC**